

April 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No.: DA 10-0161

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FILED

APR 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BNSF RAILWAY COMPANY, a
Delaware Corporation,

Respondent/Petitioner/Appellant

v.

SECOND AMENDED NOTICE OF
APPEAL

CHAD CRINGLE,

Charging Party/Respondent/Appellee

v.

THE DEPARTMENT OF LABOR
AND INDUSTRY, and HUMAN
RIGHTS COMMISSION,

Respondent/Appellee

SECOND AMENDED NOTICE is given that BNSF Railway Company, the Appellant above-named and who is the Petitioner in that cause of action filed in the First Judicial District, in and for the County of Lewis and Clark, as Cause No. BDV-2009-1016, hereby appeals to the Supreme Court of the State of Montana from the final judgment entered in such action on the 9th day of April, 2010. This Second Amended Notice of Appeal encompasses the March 15, 2010, Order and March 29, 2010, Nunc Pro Tunc Order that preceded the final judgment as to which BNSF previously had filed a Notice of Appeal and Amended Notice of Appeal.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M.R.App.P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.
4. That the filing fee prescribed by statute has been previously furnished.

Dated this 28th day of April, 2010.

HEDGER FRIEND, PLLC

By: 

Ben Rechtfertig

Attorneys for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing SECOND AMENDED NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing SECOND AMENDED NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action as follows:

Terry N. Trieweler
TRIEWEILER LAW FIRM
P.O. Box 5509
Whitefish, Montana 59937-5509

☒ U.S. Mail
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Marieke Beck
Department of Labor & Industry
State of Montana
P.O. Box 1728
Helena, Montana 59624-1728

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Clerk of the Montana Supreme Court
Room 323, Justice Building – 215 North Sanders
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Nancy Sweeney
Lewis & Clark County Clerk of District Court
228 Broadway Street
Helena, MT 59601-4263

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DATE: 04/28/10

